

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States of America

v.

James Palladina

Criminal No.
4:24-CR-00371

MOTION TO DISMISS COUNT #39 OF THE INDICTMENT AS IT PERTAINS TO
DEFENDANT JAMES PALLADINA (45)

TO THE HONORABLE LEE H. ROSENTHAL, U.S. DISTRICT JUDGE:

COMES NOW *Defendant James Palladina (45)*, through the undersigned Counsel, and respectfully requests that the Court dismiss Count 39 of the pending indictment as it relates to the appearing Defendant, and would respectfully show the Court the following:

1. Defendant James Palladina is solely charged in Count 39 of the Indictment in this case, with Conspiracy to Commit Wire Fraud in violation of 18 U.S.C. §§ 1343 & 1349.

2. Through his attorney, defendant #10, Eugene Walker, filed a motion to dismiss counts #1 and 6 on November 20, 2024, for failure to state an offense. Count 1 alleged a conspiracy violating 18 U.S.C. §§ 1343 & 1349. [*Docket document 696*] Mr. Palladina's single count #39 is factually and legally nearly identical to Mr. Walker's count #1. Many co-defendants have filed Motions to Adopt or Motions asserting the same claims. Therefore, Defendant respectfully submits that count 39 suffers the same defects as described in Mr. Walker's motion to dismiss and other motions to dismiss.

3. Counsel for Defendant Mr. Palladina hereby incorporates and adopts the arguments and legal analysis in those motions, to the extent that these motions may apply and relate to this single count.

4. Counsel has reached out to the government through the District Attorney's office to inquire about their position regarding the present motion. As of today, we have not received a response.

5. Based on the government's prior positions in similar matters, we anticipate no objection to defendants filing motions adopting or incorporating Walker's motion. We understand, however, that the government continues to oppose dismissal of the Indictment.

WHEREFORE, Defendant respectfully prays that this Honorable Court grant the foregoing Motion, permit Mr. Palladina to adopt the legal reasoning and analysis set forth above, and, in so doing, dismiss Count 39 of the Indictment as it pertains to Mr. Palladina.

Respectfully submitted,

/s/ Octavio M. Rivera Bugesa

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ATTORNEY FOR DEFENDANT

JAMES PALLADINA

CERTIFICATE OF CONFERENCE

Undersigned counsel has contacted the government through the District Attorney's office to ascertain its position regarding this *Motion to Dismiss Count #39 of the Indictment as it Pertains to Defendant James Palladina (45)* As of the date of filing, no response has been received. Based on prior positions, the government is not expected to oppose the adoption of Walker's motion but will maintain its opposition to dismissal of Count 39 as it pertains to Mr. Palladina.

/s/ Octavio M. Rivera Bugesa
Octavio M. Rivera Bugesa

CERTIFICATE OF SERVICE

The undersigned Counsel hereby certifies that that a true and correct copy of the above and foregoing notice has been notified to the Assistant U.S. Attorneys assigned to this case, and for counsel for all co-defendants via the Court's CM/ECF system on this 15th day of April, 2025.

/s/ Octavio M. Rivera Bugesa
Octavio M. Rivera Bugesa